

# The Planning Inspectorate

For official use only  
(Date received)

20-Sep-2011 10:39

## PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

**APPEAL REFERENCE:** **APP/X5210/A/11/2161101**

### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Address

Phone no.

Fax no.

Postcode NW3 4LD

E-mail [stephen@in.form.co.uk](mailto:stephen@in.form.co.uk)

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☒  
On paper, by post. ☐

### B. AGENT DETAILS FOR THE APPEAL (if any)

Name

Address

Your reference

Phone no.

Fax no.

Postcode

E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☐  
On paper, by post. ☐

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA

London Borough of Camden

LPA's reference number

2010/0484/P and 2010/0499/C

Date of the planning application

22 Jan 2010

Date of the LPA's decision (if issued)

24 Mar 2011

## D. APPEAL SITE ADDRESS

Address 2d Belsize Park Gardens  
LONDON  
England

Postcode NW3 4LD

Grid Reference: Easting 05270186 Northing 01848821

Is the appeal site within a Green Belt? YES ☐ NO ☒

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES ☐ NO ☒

## E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site  
(in hectares)

.91

Area of floor space of proposed development  
(in square metres)

1151

Has the description of the development changed from that stated on the application form? YES ☐ NO ☒

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Proposal: Erection of building comprising basement, ground and first to fourth floor to provide two single-family dwelling houses (a semi-detached pair), each with integral garage and roofs terraces on first to fourth floor level.  
Related Application for Conservation Area Consent. Proposal: Demolition of existing single-storey building with basement in use as two single-family dwelling houses.

## F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick one box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E. ☒
  - 2 Grant planning permission for the development subject to conditions to which you object. ☐
  - 3 Refuse approval of the matters reserved under an outline planning permission. ☐
  - 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object. ☐
  - 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐
- or
- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. ☐

## G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

### 1. THE WRITTEN REPRESENTATIONS PROCEDURE ☒

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES ☐ NO ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☒ NO ☐

If so, please explain below or on a separate sheet.

The site is invisible behind a high wall which completely surrounds it but I think it would be useful for the inspector to be able to see for himself that the other houses surrounding the site, especially at the rear, are a long way away and

*Continued on Supplementary Sheet*

### 2. THE HEARING PROCEDURE ☐

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

### 3. THE INQUIRY PROCEDURE ☐

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

a) How long do you estimate the inquiry will last?  
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

No. of days

b) How many witnesses do you intend to call?

No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.  
Please continue on a separate sheet if necessary.

YES

☐

NO

☐

## H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ☒ NO ☐

PLANNING APPEAL 2C/D BELSIZE PARK GARDENS LONDON NW3 4LD

LPA Application Number: 2010/0484/P

Date Received: 22/01/2010

Proposal: Erection of building comprising basement, ground and first to fourth floor to provide two single-family dwellinghouses (a semi-detached pair), each with integral garage and roofs terraces on first to fourth floor level.

Decision Date 24 3 2011

### GROUNDS OF APPEAL

#### Grounds in relation to Reason for Refusal 1

1.1 The appellant cannot agree that the proposal would be over-development of the site as the existing single storey building is completely out of character with the height, scale and massing of the neighbouring properties. The present form of single story development could be considered to be unacceptable, wasteful and an unsustainable 'under-development' and 'under-use' of a previously developed site within the urban area. The appellant agrees with the Planning Officer's report where it concludes that "The proposed development makes efficient use of the land without harming the local environment or amenity".

1.2 The appellant strongly disagrees that the height, bulk, mass and detailed design of the proposed building is unacceptable. To some extent the Committee was mis-informed about application details (some of the drawings displayed at the committee meeting were superseded ones from a previous scheme). The proposed building would occupy a similar footprint to the adjacent villas; its main parapet would be aligned with that of the adjacent villas; its overall height would be lower than its neighbours. Every effort was made to agree with the relevant authorities a contemporary design interpretation of the neighbouring paired villas. The proposed scheme reflects the symmetry, rhythms and proportions of the adjacent houses and achieves a similar weight and solidity to its neighbours, as well as incorporating key architectural elements such as recessed porches and subordinate roof forms. The Officer's report agrees that "The proposed building is a modern interpretation of the 19th Century villas which dominate the area and is considered to be appropriate".

1.3 The appellant does not agree that the submitted design is unacceptable because early designs were amended following detailed discussions with the Council's officers, including the Conservation Officer, and with English Heritage, which body had early concerns about fenestration, ground floor bays and architectural detailing. After the revised application was submitted the appellant was advised, by the LPA officer responsible for architectural issues, that he had consulted English Heritage about the changes the architect had made, following their initial reservations about the design, and that English Heritage were satisfied with the changes and would no longer object. Matters of detailed design could in any case have been resolved by means of conditions on any grant of planning permission.

1.4 The 'zero-energy' designs of the proposed new buildings are entirely consistent with emerging Government guidance including the "presumption in favour of sustainable development" (draft NPPF 2011). The existing 1970s steel-framed glazed houses have a lightweight structural system with thin, uninsulated walls and flat roof which have an excessive surface area compared to the building volume. This form of construction is very inefficient in terms of energy use and unsustainable in terms of modern construction requirements. The submitted Design and Access Statement confirms that the proposed new dwellings would be highly sustainable in terms

*Continued on Supplementary Sheet*

## H. GROUNDS OF APPEAL (continued)

## I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only

### CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

**OR**

### CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served

<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>

### CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

## I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

**OR**

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant:

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name

Address at which the notice was served

Date the notice was served

<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>
<div></div>	<div></div>	<div></div>

Details of additional tenants

## J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.  
Please tick the boxes to show which documents you are enclosing.

- |   |   |                                     |
|---|---|-------------------------------------|
| 1 | A copy of the original <b>planning application</b> sent to the LPA.   | <input checked="" type="checkbox"/> |
| 2 | A copy of the <b>site ownership certificate</b> and <b>agricultural holdings certificate</b> <b>submitted</b> to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form).   | <input checked="" type="checkbox"/> |
| 3 | A copy of the <b>LPA's decision notice</b> (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.  | <input checked="" type="checkbox"/> |
| 4 | A <b>site plan</b> (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | <input checked="" type="checkbox"/> |
| 5 | Copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.<br>Please number them clearly and list the numbers here or on a separate sheet:  | <input checked="" type="checkbox"/> |
| 6 | Copies of all <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).<br>Please number them clearly and list the numbers here or on a separate sheet:  | <input type="checkbox"/>            |
| 7 | A copy of the <b>design and access statement</b> sent to the LPA (if required)  | <input checked="" type="checkbox"/> |

### You must send copies of the following, if appropriate:

- |    |  |  |
|----|--|--|
| 8  | Additional plans, drawings or documents relating to the application but <b>not previously seen by the LPA</b> .<br>Please number them clearly and list the numbers here or on a separate sheet:  | <input checked="" type="checkbox"/>  |
| 9  | Any relevant <b>correspondence</b> with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. :   | <input type="checkbox"/>   |
| 10 | If the appeal is against the LPA's refusal or failure to approve the <b>matters reserved under an outline permission</b> , please enclose:<br>(a) the relevant outline application;<br>(b) all plans sent at outline application stage;<br>(c) the original outline planning permission. | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the <u>original permission</u> with the condition attached.  | <input type="checkbox"/>   |
| 12 | A copy of any <b>Environmental Statement</b> plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).   | <input type="checkbox"/>   |



## K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

## L CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date

20 September 2011

Name (in capitals)

On behalf of (if applicable)

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

## M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **You may wish to keep a copy of the completed form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

**APP/X5210/A/11/2161101**

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== ESSENTIAL SUPPORTING DOCUMENTS =====
TITLE:      01. A copy of the original planning application sent to the LPA.
DESCRIPTION: Planning application form
FILENAME:    Planning Application Form-2712523.pdf

TITLE:      02. A copy of the site ownership certificate and agricultural holdings
              certificate submitted to the LPA at application stage (these are usually
DESCRIPTION: ownership certificate
FILENAME:    ownership certificate 2.jpg

TITLE:      03. A copy of the LPA's decision notice (if issued). Or, in the event of
              the failure of the LPA to give a decision, if possible please enclose a
DESCRIPTION: decision notice
FILENAME:    Decision Notice-2854029.pdf

TITLE:      04. A site plan (preferably on a copy of an Ordnance Survey map at not less
              than 10,000 scale) showing the general location of the proposed development
              and its boundary. This plan should show two named roads so as to assist
DESCRIPTION: site plan
FILENAME:    site plan OS Extract-2712529.pdf

TITLE:      05. Copies of all plans, drawings and documents sent to the LPA as part of
              the application. The plans and drawings should show all boundaries and
DESCRIPTION: daylight and sunlight report
FILENAME:    daylight and sunlight report File 1A.PDF

TITLE:      05. Copies of all plans, drawings and documents sent to the LPA as part of
              the application. The plans and drawings should show all boundaries and
DESCRIPTION: tree report
FILENAME:    Tree Report.pdf

TITLE:      05i. A list of all plans, drawings and documents (stating drawing numbers)
              submitted with the application to the LPA.
DESCRIPTION: LIST DOCUMENTS AND DRAWINGS
FILENAME:    planning application attached documents list.doc
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*Continued on Supplementary Sheet*

## SUPPLEMENTARY SHEET

### Appeal Documents (continued)

TITLE: 07. A copy of the design and access statement sent to the LPA (if required).

DESCRIPTION: design and access statement

FILENAME: Design and Access Statement 15 January 2010.pdf

TITLE: 07. A copy of the design and access statement sent to the LPA (if required).

DESCRIPTION: design and access statement ap

FILENAME: design and access appendix.pdf

TITLE: 08. Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

DESCRIPTION: letter about Section 016 needs

FILENAME: PLANNING APPEAL 2C.doc

TITLE: 08i. Please provide a list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

DESCRIPTION: List of extra documents

FILENAME: LIST OF DOCS.doc

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\* The Documents Listed Below Will Follow By Post \*

\*\*\*\*\*

===== ESSENTIAL SUPPORTING DOCUMENTS =====

\*\* 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

## SUPPLEMENTARY SHEET

### Grounds of the Appeal (continued)

#### Grounds in relation to Reason for Refusal 2

2.1 There is no reason why the Council could not have granted planning permission subject to a Section 106 legal agreement to secure 'car-capped' housing but this matter was not raised with the appellant at any time prior to the issue of the Officer's report. The Officer's report makes it clear that the proposed two dwellings would have 4 off-street car parking spaces, exactly the same as the existing two houses, with the same cross-overs from the highway. The report states that as the proposed development would merely re-provide the existing level of car parking it is considered to be acceptable. As future occupiers would have no reason to apply for parking permits, the development would not make any additional contribution to parking stress and congestion in the surrounding area.

#### Grounds in relation to Reason for Refusal 3

3.1 The appellant does not disagree with the Officer's report where it states that "given the scale and nature of the works proposed and their location a construction management plan is required and should be secured by legal agreement". There is no reason why the Council could not have granted planning permission subject to a Section 106 legal agreement to secure the submission and implementation of a Construction Management Plan but this matter was not raised with the appellant at any time prior to the issue of the Officer's report.

#### Grounds in relation to Reason for Refusal 4

4.1 The Officer's report makes it clear that the proposed two dwellings would have 4 off-street car parking spaces, exactly the same as the existing two houses, with the same cross-overs from the highway. The appellant does not disagree with the Officer's report where it states that "a financial contribution, secured by legal agreement, is required to repave the footway adjacent to the site and the vehicular crossover following construction". There is no reason why the Council could not have granted planning permission subject to a Section 106 legal agreement to secure this financial contribution but this matter was not raised with the appellant at any time prior to the issue of the Officer's report.

## SUPPLEMENTARY SHEET

### Grounds of the Appeal (continued)

of water conservation, energy efficiency, reduced CO2 emissions, passive solar design, maximum use of natural light, solar heating, very high levels of insulation and green roofs. The provision of cycle storage, facilities for recycling and replacement planting to enhance biodiversity will also increase the sustainability of the appeal proposals.

1.5 The Inspector will see on site that there is no gap in the built form as existing houses occupy the appeal site and the frontage is enclosed by a high wall which will be retained. The existing houses are not visible from the street and are not identified as positive contributors to the conservation area. The Officer's report confirms that the English Heritage response to an earlier application stated that "they are not identified as making a positive contribution to the character and appearance of the conservation area in Camden's Belsize Conservation Area Statement". The appellant considers that the apparent "gap" between buildings on the appeal site has a negative value in the townscape, where the character of the street scene comprises imposing and closely spaced 19th Century villas. In any case the Officer's report makes it clear that the loss of a view across private land is not a material planning consideration.

1.6 The appellant considers that the Committee was unduly influenced in their decision by a large number of objectors who appear to have been disappointed that the existing houses have not been listed. The Officer's report advises that the main concern that was raised by the majority of objectors was in relation to the loss of the existing house. In 2009, the Minister for Culture Media and Sport (DCMS) resolved not to list the buildings, stating that they fall short of the criteria for post war domestic buildings. Following a request for a review of this decision, the recommendation was overturned and a recommendation for listing was submitted. The Minister decided to uphold the earlier decision and when a review of this later decision was requested, the Minister concluded that the criteria for opening a review of the decision were not met.

1.7 The appellant cannot agree that the proposed building would have an unsatisfactory relationship with other buildings in the group of which it forms a part. The neighbouring properties are mid 19th Century villas that are closely spaced on a continuous building line that is softened by mature trees and vegetation in front gardens. Avenue House stands at the north end in larger grounds and is seen as a detached dwelling of similar design and scale. The new building will be aligned with the historic pattern of this mid 19th Century development, following established front and rear building lines. It was agreed with Council Officers and English Heritage at an early stage that the proposed height of the buildings should be increased to maintain the window and eaves lines of the existing row of buildings.

1.8 Similarly, the proposed development would not cause any significant loss of residential amenity for neighbouring occupiers. The Officer's report examines the question of amenity in considerable detail and advises the Committee that "the loss of private view is not a material planning consideration unless it would result in either loss of outlook, daylight or sunlight". The appellant submitted a specialist daylight and sunlight study and this was accepted by the Council. The Officer's report concludes that "there will not be any significant loss of light to neighbouring properties; in terms of outlook whilst the proposed development will clearly be visible it is unlikely to result in a feeling of claustrophobia and enclosure within the rooms of the surrounding properties".

1.9 The appellant agreed with the Council that the four trees on the frontage of the site make a significant contribution to the character and appearance of the conservation area at this location and therefore made sure that the scheme proposals would retain these trees. The appellant submitted a specialist arboricultural report to demonstrate that the four important trees on the frontage would be retained; this report was examined and accepted by the Council's Tree Officer. The appellant was therefore alarmed to see, at the Committee meeting, a slide presentation showing the trees removed, which he believes caused great concern to Committee members. He was given no opportunity to contradict this misleading information.

1.10 In conclusion, the English Heritage response to the initial design stated that "the historic significance of Belsize Park Gardens lies principally in the impressive mid 19th Century semi-detached villas dating from the principal period of the development of the Belsize Estate and subsequent phases of development." Therefore, for all the above stated reasons, the appellant considers that the proposed development will preserve and significantly enhance the character and appearance of this part of the Belsize Park Conservation Area.

## SUPPLEMENTARY SHEET

### Why it is essential for the Inspector to enter the site (continued)

therefore in my judgement would not be significantly overlooked by the proposed new houses.